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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,650

08/26/2003

Naohito Takae

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21171

7590

08/23/2006

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EXAMINER

TRAN, QUOC DUC

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/647,650

Applicant(s)

TAKAE ET AL.

Examiner

Quoc D. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5, 7 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiromoto (JP 2000-333258) in view of Nitaki (US 2001/0005890).

Consider claims 1, 5, 7, 11. Hiromoto teaches a content providing method, comprising providing a request content service (information menu service (IMC); § 0004-0007) to a user's portable telephone (mobile phone 11a or 11b) when a menu registration identifier (see § 0005, authentication information) is contained in a content requesting signal transmitted from the user's portable telephone to the content provider (information menu service (IMC); § 0004-0007), wherein the menu registration identifier (see § 0004-0007 and 0008-0012, fig(s). 1-2) indicates that the user's portable telephone is registered for the requested content service in a user menu information database of a communications carrier (MSC 13a-b, network 17 and location register 14; see § 0004-0007 and 0008-0012, fig(s). 1-2). Hiromoto further teaches that "the information menu center which holds the contract information about information offer of a user, and generates the information menu which should be offered to a user from this user contract information" (see § 0006 of the translation). This clearly meets the limitations the user selects one content from a list of at least one content only which the user's portable telephone has been registered. Hiromoto does not clearly teach a regular menu including contents, which

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will be available after a registration and the menu registration identifier allows providing requested content service directly from the content provider to the user's portable telephone.

Nitaki teaches that a user selects one content from a list of at least one content only which the user's portable telephone has been registered from a regular menu including contents which will be available after a registration (see § 121, 125 through § 129) the menu registration identifier allows providing requested content service directly from the content provider to the user's portable telephone (see § 111-113) for the purpose of allowing the management and registration of an access right of a user to be simplified (see § 0007).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nitaki into the teachings of Hiromoto for the purpose mentioned above.

Consider claim 2, Nitaki teaches requesting a communication carrier (gateway 22 and contents server 21, fig(s). 3) to register a user's portable telephone in a user information database (i.e., any contents data or contents server), when a registration identifier (i.e., assigning user ID and password), which registration identifier indicates that the user's portable telephone is registered in the user information database of the communications carrier for a request content service, is not contained in a content-requesting signal transmitted from the user's portable telephone to the content provider (see § 121, 125 through § 129).

Consider claim 12. Paragraphs 121, 125 through § 129 of Nitaki read on the claimed feature.

3. Claims 3-4, 6, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitaki (US 2001/0005890) in view of Hiromoto (JP 2000-333258).

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Consider claims 3-4, 6, 8-9, 11. Nitaki teaches requesting a communication carrier (gateway 22 and contents server 21, fig(s). 3) to register a user's portable telephone in a user information database (i.e., any contents data or contents server), when a registration identifier (i.e., assigning user ID and password), which registration identifier indicates that the user's portable telephone is registered in the user information database of the communications carrier for a request content service, is not contained in a content-requesting signal transmitted from the user's portable telephone to the content provider (see § 121, 125 through § 129); and the menu registration identifier allows providing requested content service directly from the content provider to the user's portable telephone (see § 111-113).

Nitaki does not teach the use of menu information database. However, Hiromoto teaches the use of information menu service (IMC, see § 0004-0007); and a menu registration identifier (see § 0005, authentication information) is contained in a content requesting signal transmitted from the user's portable telephone to the content provider (information menu service (IMC); § 0004-0007), wherein the menu registration identifier (see § 0004-0007 and 0008-0012, fig(s). 1-2) indicates that the user's portable telephone is registered for the requested content service in a user menu information database of a communications carrier (MSC 13a-b, network 17 and location register 14; see § 0004-0007 and 0008-0012, fig(s). 1-2) for the purpose of providing flexible, high quality information menu service to the users (see the entire abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hiromoto into the teachings of Nitaki for the purpose mentioned above.

Consider claim 10. Nitaki, § 0007 and § 102 clearly teach the step of adding content charges (i.e., tolling).

***Response to Arguments***

4. Applicant's arguments filed 6/7/2006 have been fully considered but they are not persuasive.

Regarding applicant argument that the combination of Hiromoto and Nitaki do not suggest of "the menu registration identifier allows providing requested content service directly from the content provider to the user's portable telephone and thus render a separate authentication process unnecessary". Accordingly, the examiner respectfully disagrees with applicant argument. The examiner has reviewed the amended feature in each of the claims and did not find such feature in the amended claims nor it is inherently suggested such. Mainly, "thus render a separate authentication process unnecessary". It is noted that the features upon which applicant relies (i.e., "thus render a separate authentication process unnecessary") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding the amended feature "the menu registration identifier allows providing requested content service directly from the content provider to the user's portable telephone". The examiner believed that this feature is clearly suggested by Nitaki (see § 111-113). Nitaki suggested that if the request is valid, the gateway download the contents data from the content server. Thus, clearly indicated that the contents data are directly from the content provider server. Therefore, Nitaki read on the limitation as broadly claimed.

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***Important Notice***

5. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to ***Group Art Unit 2614***.

***Conclusion***

6. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Facsimile responses should be faxed to:

**(571) 273-8300**

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401 Dulany Street


Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**QUOC TRAN**  
**PRIMARY EXAMINER**  
  
AU 2614

August 19, 2006